

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

MAR 26 2008

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARIA DE LOS ANGELES LUCERO-  
LOPEZ,

Defendant - Appellant.

No. 07-10088

D.C. No. CR-06-01053-DCB

MEMORANDUM \*

Appeal from the United States District Court  
for the District of Arizona  
David C. Bury, District Judge, Presiding

Submitted March 18, 2008 \*\*

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Maria de Los Angeles Lucero-Lopez appeals from her 70-month sentence imposed following a guilty plea conviction for conspiracy to possess with intent to

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

distribute cocaine, possession with intent to distribute cocaine, conspiracy to import cocaine, and importation of cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(ii)(II) and 846; and 21 U.S.C. §§ 952(a), 960(a)(1), (b)(1)(B)(ii), and 963. We have jurisdiction pursuant to 21 U.S.C. § 1291, and we affirm.

Lucero-Lopez contends that the district court erred in denying her a "minor role" sentence adjustment pursuant to U.S.S.G. § 3B1.2(b). Lucero-Lopez has failed to meet her burden of proving her entitlement to a downward adjustment based on her role in the offense. *See United States v. Cantrell*, 433 F.3d 1269, 1282 (9th Cir. 2006). In view of the evidence reflecting the nature and extent of Lucero-Lopez's involvement in the criminal scheme, the district court's decision regarding her minor participant status was not clearly erroneous. *See id.* at 1283-84. Lucero-Lopez also contends that her sentence is unreasonable because the district court improperly considered her co-defendant's sentence to be the lowest sentence Lucero-Lopez could receive. The district court, however, specifically considered Lucero-Lopez's history and particular characteristics and "exercised sound discretion to ensure that the punishment fit the crime and the circumstances of the [defendant]." *See United States v. Marcial-Santiago*, 447 F.3d 715, 719 (9th Cir.), *cert. denied sub nom. Acosta-Franco v. United States*, 127 S. Ct. 309 (2006).

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Accordingly, Lucero-Lopez's sentence is reasonable. *See Gall v. United States*, 128 S. Ct. 586 (2007); *United States v. Saeteurn*, 504 F.3d 1175, 1183 (9th Cir. 2007).

**AFFIRMED.**